

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RYAN NEIL SORENSEN,

Petitioner,

v.

JEFFERY A. UTTECHT,

Respondent.

Case No. C06-5482 RBL/KLS

REPORT AND
RECOMMENDATION TO DENY
APPLICATION TO PROCEED
IN FORMA PAUPERIS

Noted for: October 27, 2006

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Petitioner is an inmate at the Washington State Penitentiary, located in Walla Walla, Washington. He filed an application to proceed *in forma pauperis* (Dkt. # 1), but has paid the \$5.00 filing fee. Accordingly, the court should deny the application.

DISCUSSION

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963).

On August 23, 2006, the Clerk received Petitioner's application to proceed *in forma pauperis*. (Dkt. # 1). On that same day, Petitioner paid the \$5.00 filing fee. Because he has paid the filing fee, Petitioner's application to proceed *in forma pauperis* is moot.

CONCLUSION

Because Petitioner has paid the filing fee, the undersigned recommends that the Court deny his application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), Petitioner shall have ten (10) days from service of this Report and Recommendation to file written objections thereto. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed set this matter for consideration on **October 27, 2006**, as noted in the caption.

DATED this 26th day of September, 2006.



Karen L. Strombom
United States Magistrate Judge